

# LETTER

FROM: Norman G. Finkelstein

TO: European Commission- Jose Manuel Barroso

June 16- 2008

Your Excellency Mr. Jose Manuel Barroso,

On the occasion of the meeting of the EU-Israel Association Council on 16 June 2008, the under-signed human rights and humanitarian organizations would like to bring to your attention a number of concerns regarding Israel's non-compliance with international human rights standards, international humanitarian law and therefore also the EU-Israel Association Agreement.

In its external actions, the EU must not breach the fundamental principles of the European Union, including human rights, as set out in the Treaty on European Union. The EU has committed itself to the highest possible respect for human rights, and concrete commitments in this area have been in a period of steady expansion for the past decade. Following the Treaty of Amsterdam, the Treaty on European Union was amended to include a new Article 6, setting out that the principles on which the Union is based include: "liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States". On 25 June 2001, the European Council, in its conclusions on the European Union's role in promoting human rights and democratisation in third countries stressed its strong commitment to "the mainstreaming of human rights and democratisation into EU policies and actions". It further stated that "human rights and democratisation should systematically and at different levels be included in all EU political dialogues and bilateral relations with third countries". Emphasising its commitment to human rights, the EU established a Fundamental Rights Agency in 2007.

We further note that Article 2 of the EU-Israel Association Agreement establishes that: "Relations between the parties, as well as all the provisions of the Agreement itself, shall be based on a respect for human rights and democratic principles, which guides their internal policy and constitutes an essential element of this Agreement." In the Barcelona Declaration of 1995, the Euro-Mediterranean Conference of Ministers of Foreign Affairs undertook to "respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms ... without any discrimination on grounds of race, nationality, language, religion or sex." Finally, the Advisory Opinion of the International

Court of Justice regarding Legal Consequences of Construction of a Wall in the occupied Palestinian territory establishes that all states and international actors are obliged not to recognise, aid or assist the illegal situation resulting from Israel's actions in the occupied Palestinian territory and all parties to the Fourth Geneva Convention are bound to ensure Israel's compliance with this Convention. These obligations relate both to EU member states as signatories to the Geneva Conventions, and to EU institutions charged to ensure that EU-Israel contractual relations are undertaken in respect of Community and international law.

We believe in the human rights of all. In matters both related to its treatment of Palestinians in the occupied Palestinian territory, as well as Palestinian citizens of Israel, Israel is currently not acting in conformity with international human rights law and, in relation to the occupied Palestinian territory, with international humanitarian law. Recent examples of such violations include:

- The blockade on Gaza is leading to denial of economic, social and cultural rights for Gazans, in particular their human rights to food, water, sanitation and health, and which the UN High Commissioner for Human Rights has described as constituting collective punishment.
- Palestinian citizens of Israel and the occupied territories continue to be denied equal access to services such as water, education, housing and land.
- Israel continues to forcibly evict and displace Palestinians in the West Bank and East Jerusalem, including through the construction of the Separation Barrier, as well as in the Gaza 'buffer zone'.
- Israel continues to deny Palestinian spouses of Israeli citizens, as well as spouses and family members from a number of other Arab states, from obtaining legal status in Israel.

The Annex to this letter lists reports on recent human rights violations of international human rights law and international humanitarian law by Israel.

Israel has failed to implement the observations of the UN human rights monitoring mechanisms, as well as human rights obligations established in the Advisory Opinion of the International Court of Justice and several United Nations General Assembly and Security Council resolutions. Examples of these are contained in the Annex to this letter.

Israel faces real security threats and attacks that violate the human rights of its civilians. Its reactions to such threats and attacks must be proportionate and must not violate Israel's obligations under international human rights law and international humanitarian law.

The undersigned organisations call upon the EU to require that, within the framework of the EU-Israel Association Agreement, specific conditionalities are established to ensure that without delay, Israel:

1. Ends the blockade on the Gaza Strip which is undermining the economic, social and cultural rights of Gazans.
2. Complies with all UN resolutions, the Advisory Opinion of the International Court of Justice and concluding observations of international human rights treaty bodies relating to the human rights of Palestinians, including the rights of Palestinian refugees.
3. Refrains from violations of the human rights of Palestinians in the occupied Palestinian territories which necessitates a swift end to the occupation, a recognition of

the right of Palestinians to self determination and the removal of the Separation Barrier from Palestinian land.

4. Ends discrimination against Palestinian citizens of Israel, including in relation to access to land, housing and public services and enact a legally binding prohibition against discrimination on the basis of ethnicity and religion.

We look forward to your response and an opportunity to meaningfully engage with you on these issues.

Centre on Housing Rights and Evictions (COHRE), Switzerland

Cordaid, The Netherlands

Defence for Children International-Palestine Section (DCI/PS)

DIAKONIA, Sweden

Al-Haq, occupied Palestinian territory,

ICCO, interchurch organisation for development co-operation, Netherlands

Aljamaheer Association for development in the Arab & Jewish sectors, Israel

Medical Aid for Palestinians, United Kingdom

medico international e.V., Germany

Al Mezan Center for Human Rights-Gaza

Palestinian hydrology group for water and environmental resources development

Physicians for Human Rights- Israel (PHR-IL)

The Swedish Organization for Individual Relief (SOIR)

Trócaire, Ireland